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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 BRIT F. AUGBORNE, III,

Case No. 2:19-cv-01218-APG-BNW

10 Plaintiff,

ORDER

11 v.

12 STATE OF NEVADA, *et al.*,

13 Defendants.  
14

15 **I. DISCUSSION**

16 On July 11, 2019, Plaintiff, who is a prisoner in the custody of the Nevada  
17 Department of Corrections (“NDOC”), filed an incomplete application to proceed *in forma*  
18 *pauperis* with no case number on it and no complaint. (ECF No. 1). The Court assigned  
19 a case number and opened this matter. The application to proceed *in forma pauperis* did  
20 not include a financial certificate or account statement for the past six months as is  
21 required.<sup>1</sup> (*Id.*) On July 22, 2019, the Court ordered Plaintiff to file a complaint and a  
22 complete application to proceed *in forma pauperis*, including the required financial  
23 documents, within 30 days. (ECF No. 3).

24 Plaintiff then sent the Court a document in which he suggested that he had sent a  
25 complaint to the Court with the case number 2:19-cv-01218-APG-BNW on it, but also said  
26 that he was unsure which case the complaint is assigned to because of the number of  
27

28 <sup>1</sup> Plaintiff sought an extension of time to file his application to proceed *in forma pauperis* (ECF No. 4). The Court denies that motion as moot because Plaintiff has filed the application.

1 cases he is litigating. (ECF No. 4). Plaintiff states that he is seeking to ascertain how a  
2 case is pending in this Court without a complaint. (ECF No. 5).

3 Plaintiff filed his application to proceed *in forma pauperis* with no case number on  
4 it. When a plaintiff opens a matter with the Court, the plaintiff does not yet have a case  
5 number and the Court immediately assigns a case number and informs the Plaintiff that  
6 all documents filed in that case must have the case number on it. As Plaintiff previously  
7 was told, if a party already has an open case, the party is required to include the case  
8 number on all future filings. (ECF No. 2). Therefore, if a person files an application to  
9 proceed *in forma pauperis* with no case number on it, as was the situation here, it is  
10 considered a new matter and a new case is opened. As the Court previously told Plaintiff  
11 (ECF No. 3), the Court did not receive a complaint in this matter. Plaintiff still has not filed  
12 a complaint in this case.

13 The Court will give Plaintiff one extension of time to file a complaint.<sup>2</sup> If Plaintiff  
14 sent a complaint in this case that the Court did not receive, then Plaintiff must file a copy  
15 of that complaint with the Court by September 27, 2019. If Plaintiff did not intend to open  
16 a new case, then he should inform the Court of that and the Court will close this case.  
17 Absent extraordinary circumstances, no further extensions of time will be granted.

## 18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that the motion for clarification (ECF  
20 No. 5) is granted.

21 IT IS FURTHER ORDERED that Plaintiff must file a complaint in this matter by  
22 September 27, 2019.

23 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
24 dismissal of this matter will result.

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28 <sup>2</sup> The complaint may not include any claims that are duplicative of claims Plaintiff has brought in other cases. A duplicative claim will be considered frivolous and malicious.

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IT IS FURTHER ORDERED that the motion for extension of time to file an application to proceed *in forma pauperis* (ECF No. 4) is denied as moot.

DATED: September 11, 2019

  
UNITED STATES MAGISTRATE JUDGE